

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00
CIAE-00 DODE-00 PM-05 H-01 INR-07 L-03 NSAE-00
PA-01 PRS-01 SP-02 SS-15 HA-05 AID-05 /060 W
-----036767 262147Z /65/43

O 261325Z JAN 78

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC IMMEDIATE 5790

C O N F I D E N T I A L BRASILIA 0637

C O R R E C T E D C O P Y (EO, TAGS, AND SUBJECT LINE)

EO 11652 GDS

TAGS MASS MOPS SHUM BR

SUBJECT: HUMAN RIGHTS REPORT ON BRAZIL

1. POLITICAL COUNSELOR WAS CONVOKED TO FOREIGN MINISTRY JANUARY 24 BY COUNSELOR RONALDO MOTA SARDENBERG, NEW SPECIAL ADVISER TO FOREIGN MINISTER FOR POLITICAL AND ECONOMIC AFFAIRS IN BILATERAL AREA. IN FRIENDLY CONVERSATION WHICH SARDENBERG CHARACTERIZED AS "INFORMAL", LATTER SAID IT HAD COME TO HIS ATTENTION THAT ONE MATTER OUTSTANDING IN HIS PREDECESSOR'S FILES CONCERNED UNANSWERED REQUEST TO EMBASSY BY CHIEF OF FONMIN'S NORTH AND CENTRAL AMERICAN DIVISION FOR WRITTEN CONFIRMATION OF MESSAGE RE CONSEQUENCES TO BRAZIL OF NON-SUBMISSION OF SECTION 502(B) HUMAN RIGHTS REPORT CONVEYED ORALLY TO LATTER BY POLCOUNS ON DECEMBER 9, 1977 (BRASILIA 77 10185).

2. POLCOUNS TOLD SARDENBERG IT IS EMBASSY'S UNDERSTANDING THAT DELAY IN DEPARTMENT'S RESPONSE TO EMBASSY'S REQUEST AUTHORIZATION TO PROVIDE WRITTEN CONFIRMATION HAS BEEN CAUSED BY FACT DEPARTMENT HAS BEEN UNDERTAKING REVIEW OF LEGISLATION GOVERNING VARIOUS "ASSISTANCE" AREAS TO DETERMINE WHETHER CONTINUED PARTICIPATION BY ANY COUNTRY IN ONE OR ANOTHER USG
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PROGRAM WOULD REQUIRE SUBMISSION TO THE CONGRESS OF HUMAN RIGHTS REPORT ON SUCH COUNTRY.

(COMMENT: WE HAVE IN MIND, OF COURSE, ONGOING REVIEW OF LEGISLATION GOVERNING OPIC IN ABSENCE OF DEPARTMENT'S RESPONSE TO BRASILIS 529.)

3. SARDENBERG ASKED THAT EVENTUAL AIDE-MEMOIRE PROVIDE AS MUCH

DETAILED INFORMATION AS POSSIBLE AS TO EXACT CONSEQUENCES OF NON-SUBMISSION OF HUMAN RIGHTS REPORT ON BOTH SECURITY AND ECONOMIC DEVELOPMENT ASSISTANCE, BOTH OF WHICH HAD BEEN MENTIONED IN POLCOUNS ORIGINAL PRESENTATION. WE SUPPORT THIS REQUEST AND THUS ASK THAT THE DEPARTMENT REDRAFT PROPOSED AIDE-MEMOIRE TRANSMITTED 77 STATE 10185 ACCORDINGLY.

4. IN THIS CONNECTION, EMBASSY NOTES THAT STATE 18330 ADVISES THAT HUMAN RIGHTS REPORTS ON COUNTRIES PROPOSED FOR OR RECEIVING SECURITY AND BILATERAL ECONOMIC ASSISTANCE AS SPECIFIED IN 77 STATE 282352 ARE TO BE SUBMITTED TO CONGRESS BY JANUARY 31. BRAZIL IS NOT REPEAT NOT INCLUDED AMONG COUNTRIES LISTED. HOWEVER, WE ARE FACED WITH POSSIBILITY THAT A HUMAN RIGHTS REPORT MAY BE SUBMITTED ON BRAZIL IN CONNECTION WITH ITS PARTICIPATION IN OPIC PROGRAM. IF SUCH A REPORT IS TO BE SUBMITTED IN THAT CONNECTION, WE STRONGLY REITERATE OUR BELIEF STATED IN BRASILIA 529 THAT GOB SHOULD BE NOTIFIED SUFFICIENTLY IN ADVANCE SO AS TO PERMIT IT TO EXERCISE ITS OPTIONS VIS-A-VIS CONTINUED OPIC PARTICIPATION. IF THIS IS NOT POSSIBLE, WE WOULD THEN WISH TO TAKE ADVANTAGE OF OFFER IN STATE 18330 AND REQUEST THAT DEPARTMENT PROVIDE COPY OF FINAL APPROVED TEXT TO BRAZILIAN EMBASSY IN WASHINGTON WITH APPROPRIATE EXPLANATION AS TO LEGAL BASIS FOR REQUIREMENT FOR SUBMISSION OF REPORT. DEPARTMENT IS BEING INFORMED VIA SEPTTEL OF INQUIRIES THAT HAVE ALREADY BEEN MADE TO EMBASSY BY US COMPANIES AS TO POTENTIAL PROBLEM CONCERNING OPIC COVERAGE OF US INVESTMENTS
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IN BRAZIL.

5. IF THERE IS TO BE NO ADVANCE WARNING TO GOB, EMBASSY WOULD PREFER DEPARTMENT PROVIDE COPY TO GOB IN WASHINGTON FOR TWO PRINCIPAL REASONS: A) DEPARTMENT WILL BE BETTER ABLE TO EXPLAIN BACKGROUND OF AND REASONS FOR ACTION, AND B) AS THE DEPARTMENT IS WELL AWARE, AT TIME EMBASSY ON DEPARTMENT'S INSTRUCTION CONVEYED TO GOB MESSAGE THAT DEPARTMENT DOES NOT INTEND TO SUBMIT HUMAN RIGHTS REPORT ON BRAZIL FOR SECURITY OR ECONOMIC DEVELOPMENT ASSISTANCE PURPOSES, EMBASSY WAS NEITHER REQUESTED NOR AUTHORIZED TO CONVEY CAVEAT CONCERNING POSSIBLE REQUIREMENT FOR REPORT FOR PURPOSES OF CONTINUED OPIC PARTICIPATION (SEE PARA 6 OFF 77 STATE 288192). EMBASSY WOULD THUS BE IN VERY EMBARRASSING POSITION OF, IN GOB EYES, HAVING TWICE PASSED UP OPPORTUNITY TO CONVEY MESSAGE CONCERNING OPIC: FIRST, ON DECEMBER 9 IN RESPONSE TO 77 STATE 288192, AND SECOND, DURING JANUARY 24 MEETING WITH SARDENBERG DESCRIBED ABOVE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, REPORTS, FOREIGN ASSISTANCE
Control Number: n/a
Copy: SINGLE
Draft Date: 26 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978BRASIL00637
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780041-0456, D780038-1232
Format: TEL
From: BRASILIA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780121/aaaaarkt.tel
Line Count: 112
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 4c4909e0-c288-dd11-92da-001cc4696bcc
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 07 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3712511
Secure: OPEN
Status: NATIVE
Subject: HUMAN RIGHTS REPORT ON BRAZIL
TAGS: MASS, MOPS, SHUM, EAID, BR, US
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/4c4909e0-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014